

# Interview Summary

Application No.  
**09/126,945**

Applicant(s)  
**Libermann et al.**

Examiner  
**Scott D. Priebe, Ph.D.**

Art Unit  
**1632**



All participants (applicant, applicant's representative, PTO personnel):

(1) Scott D. Priebe, Ph.D.

(3) Gaby Longsworth

(2) Eric Steffe

(4) \_\_\_\_\_

Date of Interview Sep 12, 2002

Type: a) ☒ Telephonic      b) ☐ Video Conference  
c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes      e) ☒ No. If yes, brief description:

Claim(s) discussed: 174, 196, 248, and 251

Identification of prior art discussed:  
None

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Discussed the issue of "heterologous" nucleotide sequences, and how to avoid new matter. Also, discussed whether a claim limited to encoding a polypeptide 99% identical to SEQ ID NO: 2 would be enabled, as it would only involve changing up to 3 amino acids out of 335.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

**SCOTT D. PRIEBE, PH.D.**  
**PRIMARY EXAMINER**  
**ART UNIT 1632**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

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Application No.  
**09/126,945**

Applicant(s)  
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Examiner  
**Scott D. Priebe, Ph.D.**

Art Unit  
**1632**



All participants (applicant, applicant's representative, PTO personnel):

(1) Scott D. Priebe, Ph.D.

(3) \_\_\_\_\_

(2) Gaby Longworth

(4) \_\_\_\_\_

Date of Interview Jun 24, 2002

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:

Claim(s) discussed: 157, 176-178, 180, 264, and 288

Identification of prior art discussed:

None

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Discussed basis for new matter and enablement rejections under 35 USC 112, 1st para. Also discussed potential amendments to overcome these rejections.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

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**SCOTT D. PRIEBE, PH.D.  
PRIMARY EXAMINER  
ART UNIT 1632**

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